

**Notice of Allowability**

Application No.

09/823,027

Examiner

James A. Thompson

Applicant(s)

SUN ET AL.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09 February 2005.
2. ☒ The allowed claim(s) is/are 1-6, 8-18 and 21-24.
3. ☒ The drawings filed on 29 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

**DETAILED ACTION**

***Response to Arguments***

2. Applicant's arguments, see page 7, lines 2-7, filed 09 February 2005, with respect to the objection to the drawings have been fully considered and are persuasive. The objection to the drawings listed in item 1 of the previous office action, dated 27 October 2004, has been withdrawn.

3. Applicant's arguments, see page 7, lines 8-10, filed 09 February 2005, with respect to the objections to claims 3 and 4 have been fully considered and are persuasive. The objections to claims 3 and 4 listed in items 2 and 3 of said previous office action have been withdrawn.

4. Applicant's arguments, see page 7, lines 11-26, filed 09 February 2005, with respect to the rejections under 35 USC §112, second paragraph have been fully considered and are persuasive. The rejections under 35 USC §112, second paragraph listed in items 4-7 of said previous office action have been withdrawn.

5. Applicant's arguments, see page 7, line 27 to page 8, line 12, filed 09 February 2005, with respect to the claim rejections based on prior art have been fully considered and are persuasive. The claim rejections based on prior art listed in items 8-15 of said previous office action have been withdrawn.

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***Allowable Subject Matter***

6. Claims 1-6, 8-18 and 21-24 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's amendments to independent claims 1, 21 and 24 incorporate the specific limitations regarding the threshold used as a basis of comparison of the edge energy for each pixel of the image. Said limitations are the limitations recited in the previous claim 7, which was noted as being allowable subject matter in said previous office action. Further, it is consistent to also include the distinguishing limitations in claims 21 and 24 since claim 21 recites a machine that performs the method of claim 1 and claim 24 recites a computer-readable medium including instructions that executes the steps of the method of claim 1.

Further, Examiner has not found any additional reference which anticipates the independent claims or a combination of references which would have rendered the independent claims obvious to one of ordinary skill in the art at the time of the invention. Thus, claims 1, 21 and 24 are deemed allowable.

Claims 2-6 and 8-18 are allowable due to their dependence, either direct or indirect, on claim 1. Claims 22-23 are allowable due to their dependence on claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson  
Examiner  
Art Unit 2624

JAT  
05 June 2005



THOMAS D.  
~~TOMMY~~ LEE  
PRIMARY EXAMINER